

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MICHAEL DUCKSWORTH

PETITIONER

V.

CIVIL NO. 2:17-CV-15-KS-JCG

JACQUELINE BANKS

RESPONDENT

ORDER

Be it remembered that on the 10th day of January, 2018, a Report and Recommendation [11] was entered by Judge John Gargiulo. The Report and Recommendation gave the Petitioner (14) fourteen days to file objections. No objections were filed and on February 2, 2018, as Order [13] was entered adopting the Report and Recommendation of Judge Gargiulo and granting Judgment dismissing the Petition [1] filed herein. On February 12, 2018, an Objection [15] was filed by Petitioner.

The Court has reviewed this Motion and finds as follows:

1. That the Objection was not filed timely and the Order adopting the Report and Recommendations was properly entered.
2. That the Court has considered the merits of the Objection and finds that there have been no Constitutional violations established by the Petitioner. He has failed to exhaust and has not made a case for default and actual prejudice resulting in a fundamental miscarriage of justice. The Court finds that the Objection is without merit and the Judgment of Dismissal [14] remains the Judgment of this Court.

SO ORDERED, this the 14th day of February, 2018._

s/Keith Starrett
UNITED STATES DISTRICT JUDGE